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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN DEWITT HILL,

Defendant and Appellant.

C070508

(Super. Ct. No.
09F03599)

Defendant Kevin DeWitt Hill appeals from the denial of his postjudgment motion to correct the award of presentence conduct credits, arguing the prospective application of Penal Code section 4019,¹ the conduct credit provisions of the Criminal Justice Realignment Act of 2011, violates equal protection principles. Following the California Supreme Court's decision in *People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9 (*Lara*), we reject this claim.

¹ Undesignated statutory references are to the Penal Code.

RELEVANT FACTUAL AND PROCEDURAL HISTORY²

Defendant pled no contest to attempted robbery (§§ 211/664) and admitted a prior serious felony enhancement (§ 667, subd. (a)), in exchange for a stipulated sentence of seven years eight months. Defendant was sentenced in accordance with the plea and awarded 54 days of actual custody credits and 27 days of conduct credit under the version of section 4019 then in effect. In January 2012, defendant filed a motion to correct the award of credits based on the amendments to section 4019. The court denied the motion. Defendant appeals the denial of that motion.

DISCUSSION

Defendant argues that the prospective application of section 4019, the conduct credit provisions of the Criminal Justice Realignment Act, violates equal protection principles. This argument was rejected by the California Supreme Court in *Lara, supra*.

In *Lara*, the Supreme Court explained its rejection of the defendant's equal protection argument as follows: "As we there [*People v. Brown* (2012) 54 Cal.4th 314, 328-330 (*Brown*)] explained, "[t]he obvious purpose "' of a law increasing credits "'is to affect the behavior of inmates by providing them with incentives to engage in productive work and maintain good conduct while they are in prison." [Citation.] "[T]his

² Due to the nature of the claim on appeal, a detailed recitation of the underlying offense and procedural history is not necessary.

incentive purpose has no meaning if an inmate is unaware of it. The very concept demands prospective application.”’ (Brown, at p. 329, quoting *In re Strick* (1983) 148 Cal.App.3d 906, 913.) Accordingly, prisoners who serve their pretrial detention before such a law’s effective date, and those who serve their detention thereafter, are not similarly situated with respect to the law’s purpose. (Brown, at pp. 328-329.)” (Lara, supra, 54 Cal.4th at p. 906, fn. 9.)

DISPOSITION

The judgment is affirmed.

NICHOLSON, J.

We concur:

RAYE, P. J.

BLEASE, J.